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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Food Scarcity in Myanmar

1. The right to food is a fundamental human right, guaranteed by the Universal Declaration of Human Rights [article 25(1)] and the International Covenant on Economic, Social and Cultural Rights (article 11). Notwithstanding, the right to food of people in the Union of Myanmar has been submerged by the military domination of that country. Substantial evidence suggests that the Government of Myanmar is systematically denying food to the civilian population through a range of practices implemented to ensure perpetuation of its undemocratic rule.

2. The Asian Legal Resource Centre brought these concerns to the attention of the Commission's fifty-sixth and fifty-seventh sessions (E/CN.4/2000/NGO/61, E/CN.4/2001/NGO/108), in light of findings made by the People's Tribunal on Food Scarcity and Militarization in Burma. The Tribunal's October 1999 report was also cited by the former Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2000/38, paragraph 37; statement to the General Assembly of October 26, 2000). The Asian Legal Resource Centre appreciates the efforts of the former Special Rapporteur to highlight food security concerns in Myanmar and trusts that the new Special Rapporteur will pursue the issue with equal vigour, particularly given his recent expression of such intent to the General Assembly (9 November 2001).

3. The Asian Legal Resource Centre welcomes the first report by the Special Rapporteur on the right to food to the Commission's fifty-seventh session (E/CN.4/2001/53) and appreciates the Special Rapporteur's communication with the Government of Myanmar regarding food security concerns there (paragraph 58). The Asian Legal Resource Centre observes that by the three criteria the Special Rapporteur has established to determine the extent of fulfillment of the State's obligations regarding the right to food (paragraphs 26-30), the Government of Myanmar is presently failing to meet even one of these.

4. The People's Tribunal has recommended to the Government of Myanmar that it "address widespread food scarcity throughout the country by giving highest priority to food security as a basic human right". Regrettably, the Government has demonstrated unwillingness to alter its policies and practices exacerbating conditions of food insecurity. While the Government continues to assert that food scarcity does not exist in Myanmar, the Asian Legal Resource Centre has received regular and reliable independent reports to indicate the contrary. The Asian Legal Resource Centre remains convinced that the Government's failure to fulfill its obligations constitutes a breach of international law. The Government of Myanmar must be held responsible for the pervasive food insecurity there.

5. As outlined in the two previous submissions, the Government of Myanmar continues to violate the right to food through denial of the right to work, pernicious taxation, confiscation of land and repeated demands for unpaid civilian labour. It prevents or inhibits people from working freely to achieve their food security. Farmers are not permitted to choose when, where and how to cultivate. In areas of armed conflict they are subject to unstable life-threatening conditions that prevent them from using their labour, land and natural resources to earn a living. In other parts of the country, farmers are the victims of policies that place their own wellbeing after the interests of the state. Regardless of economic circumstances, civilian communities are obliged to satisfy demands for goods and services from the military.

6. Paddy farmers, the largest occupational sector of the country, are subject to a compulsory paddy-purchase programme enforced by Government agencies

nationwide. The quota is based upon the land-holdings of each farmer and without regard to actual production. Reports indicate rising paddy production and exports in 2000-01, however the People's Tribunal has stressed that food production does not in itself equate with food security, as "rice exports and growth in GDP [are] specious indicators of economic progress which belie Myanmar's daily hunger" (oral submission, 2000). The same may be said of other major export crops, notably beans and pulses. While statistics indicate increases in exports of these products, independent accounts in the second half of 2001 have alleged a dramatic shortage of edible oils and bean-related products in the domestic marketplace. Government newspaper articles have lent authenticity to these reports by urging consumers to "increase productivity while practising austerity" and reduce consumption of edible oils "for good health". Meanwhile, Government policies continue to emphasise expanded production directed towards export earnings, as distinct from rudimentary day-to-day food security concerns of most people in the country.

7. Reports in 2001 indicate that Myanmar's armed forces continue to be directly responsible for the most severe violations of the right to food. Counter-insurgency operations-especially in remote western and eastern regions-randomly destroy food stocks and crops, relocate civilian communities, and expropriate cash and materials. In some areas military operations directly target rural food supplies and crops without distinction, displace people from villages, scatter them into hills and jungles or force them into relocation sites. Widespread dislocation is resulting in serious and long-term structural food scarcity, not mere seasonal hunger due to occasional military incursions. Of particular concern are recent accounts of growing famine in parts of western Myanmar, where Muslim communities are subjected to a range of arbitrary punitive sanctions. In October 2001 even people in urban areas of Rakhine State are said to have been dying of starvation amid panic buying of rice after the outbreak of hostilities in Afghanistan, while simultaneously the illegal trade of rice into Bangladesh has rapidly increased.

8. The most recent report of the International Labour Office (GB.282/4, November 2001)-subsequent to a comprehensive mission to Myanmar by a High-Level Team-has concluded that the use of forced labour there continues, and that measures taken by the Government to address the Office's concerns have been inadequate. The Asian Legal Resource Centre reiterates that the right to food is intrinsically tied to rights to freedom of occupation and due recompense for work performed. The High-Level Team highlighted the self-reliance policy of the army and its budgetary shortfalls as significant factors contributing to forced labour practices (paragraphs 59-66)-both also important in the denial of food to civilian populations. Until the practise of forced labour is genuinely addressed so too will hunger and malnutrition remain a fact of life for people in Myanmar.

9. The right to food is universal and fundamental: it transcends national boundaries and claims of sovereignty. The international community and particularly United Nations agencies are without exception obliged to recognise the grinding man-made food security crisis in Myanmar. The Asian Legal Resource Centre again calls upon the Commission to respond urgently to food security concerns in Myanmar through the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on the right to food respectively. Finally, the Asian Legal Resource Centre reiterates its call that an international commission be established to examine the hidden food security crisis in Myanmar before its already endemic proportions deepen into tragedy.